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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,379	07/15/2003	Satoshi Shahana	SIC-03-020	1378

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EXAMINER

CHARLES, MARCUS

ART UNIT PAPER NUMBER

3682

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/604,379	Applicant(s) SHAHANA, SATOSHI	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03-07-2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the amendment/RCE filed 02-28-2006, which has been entered. Claims 1-20 are currently pending.

Continued Examination Under 37 CFR 1.114

1. The request filed on 01-18-2005 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/604,379 is acceptable and a CPA has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 6-7, it is not clear is if the notch is a type of opening or the opening is a type of notch. In claim 7, it is not clear if the slit is a type of notch.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Patterson et al. (5,533,937). Patterson et al. discloses a derailleur (50) comprising a base member

(not labeled) connected to the frame of a bicycle; a link mechanism (60/62, 74, 88/92) having a first portion coupled to the base member and a second portion (88/92) coupled to a chain guide (110) so that the guide moves relative to the base member (60/62); a cable retaining unit (80) disposed on the link mechanism (64) for retaining the inner cable of a control assembly wherein the derailleur is operated by pulling downwardly on the cable retaining unit.

6. Claims 1-3, 8, 11-15 and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki et al. Ozaki et al. (4,789,379) disclose a bicycle derailleur comprising a downward extending base member (3), non-rotatable mounted to a bicycle frame (6), a link mechanism (10) having a first portion and a second portion (12, 9), such that the first portion is connected to the base and the second portion is disposed above the first portion, a chain guide (11) is coupled to the second portion (9) via a pivot (19), so that the guide moves relative to the base member to move the chain.

In claim 2, the base member is structure to be mounted to the bicycle frame integrally with the wheel axle (5) that supports a plurality of sprockets (s1-s3).

In claim 3, the base member includes an opening (See fig. 3) for receiving the axle.

In claim 8, it is apparent that the base member is structured to be mounted to the bicycle independent of the wheel axle (5).

In claim 11, it is apparent that the link mechanism is a four-point link mechanism.

In claims 12-13, Ozaki et al. discloses the claimed invention (see fig. See figs 2, 4).

In claim 14, note the chain guide (11) is coupled to the second end of the first link and second link members (see fig. 4).

In claim 15, note the biasing member (23) and the cable member (W2).

In claim 18, note the rotational axis of the lower sprocket is above the lowermost surface of the base member

7. Claims 1-3, 8, 11-15 and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Ozaki et al. (5,597,366). Ozaki discloses a bicycle derailleur comprising a base member (3/10), non-rotatable mounted to a bicycle frame (E), a link mechanism (9) having a first portion and a second portion, such that the first portion is connected to the base at pivots (11-12) and the second portion (17) is disposed above the first portion, a chain guide (7) is coupled to the second portion (17) via a pivot (15, 16), so that the guide moves relative to the base member to move the chain.

In claims 2 and 3, note the base member is mounted coaxially and integrally with the bicycle wheel axle (see figs. 1, 2).

In claim 8, it is apparent that the base member is structured for mounting to the bicycle independent of the wheel axle (2).

In claim 11, it is apparent that the link mechanism is a four-point link mechanism.

In claims 12-13, Ozaki et al. discloses the claimed invention (see fig. See figs. 1, 2).

In claim 14, note the chain guide (7) is coupled to the second end of the first link and second link members (see figs. 1-2).

In claim 15, note the biasing member (18) and the cable member (W1).

In claim 16, Ozaki discloses the claimed invention in figs. 1 and 2.

In claim 17, note the second spring (23) in fig. 2.

8. Claims 4, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al. in view of FR (337740). Ozaki et al. fail to disclose the base includes a projection that is structured to engage an opening in the form of a notch, opening or a slit in the frame. FR (337740) discloses a bicycle derailleur having a base with a projection (39) that is structured to engage an opening in the frame in order to prevent the base from misalignment due to inadvertent movement. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the base member of Ozaki et al. so as to include a projection in view of FR (337740) in order to prevent the base from misalignment due to inadvertent movement.

9. Claims 5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki ((5,597,366) in view of FR (337740) as applied to claim 1 above, and further in view of Tori et al. (US 2001/0017496). Ozaki fails to disclose the frame has a slit or notch such that the projection structured to engage the notch or slit. Tori et al. disclose a device (22) having a slit/notch (note labeled) such that a projection (see item 27) is structured to engage the slit/notch to prevent the cover (27) from rotating. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the device of Ozaki so as to include a projection and a slit/notch such that the projection is structured to engage the slit/notch in view of Tori et al. in order to be able to install, release and align the base member more easily.

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10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki et al. in view of Nakamura et al. (4,637,808). Ozaki et al. fails to disclose the an outer cable stopper disposed below the first pivot shaft. Nakamura et al. discloses a derailleur comprising a sheave stopper below the first pin. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the derailleur of Ozaki et al. such that the sheave stopper is below the first pin (see attached drawing) in view of Nakamura et al. in order to reduce stress on the cable and the force applied by the operator.


Prior Art Cited

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kabayashi (5,312,301) discloses a derailleur w links connected to a base member and a chain guide such that a cable connected link at one end move the guide relative to the sprockets.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marcus Charles
Primary Examiner
Art Unit 3682
May 02, 2006